

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Zajakowski Uhl	Team: Squad #10	CCRB Case #: 201903655	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 04/23/2019 1:30 PM	Location of Incident: [REDACTED]	Precinct: 19	18 Mo. SOL 10/23/2020	EO SOL 6/9/2021	
Date/Time CV Reported Tue, 04/30/2019 10:00 AM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 04/30/2019 10:00 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Christopher Diaz	22533	952675	019 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jason Leier	29728	936940	019 PCT
2. POF Ashley Acevedo	04444	965918	019 PCT
3. POM Jesus Delossantos	09137	959580	019 PCT
4. POF Lyzza Andrade	11164	937983	CD OFF
5. POM Dimitri Gallard	30678	966583	019 PCT
6. SGT Steve Siciliano	03359	946249	019 PCT
7. POM Andrew Murphy	03448	956962	019 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Christopher Diaz	Discourtesy: Police Officer Christopher Diaz acted discourteously toward § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Christopher Diaz	Force: Police Officer Christopher Diaz used physical force against § 87(2)(b) [REDACTED]	[REDACTED]

### Case Summary

On April 30, 2019, at 10 a.m., § 87(2)(b) filed this complaint in person at the CCRB office.

This case was originally assigned to Investigator Roche. On October 15, 2019, it was reassigned to Investigator Zajakowski Uhl.

On April 23, 2019, at approximately 1:30 p.m., § 87(2)(b) was in his apartment, located at § 87(2)(b) in Manhattan with his mother, § 87(2)(b). A neighbor's cleaning lady walked into his apartment unannounced. § 87(2)(b) called 911 and a few minutes later, PO Christopher Diaz, PO Jason Leier, PO Ashley Acevedo and PO Jesus Delossantos, all from the 19<sup>th</sup> Precinct, responded to § 87(2)(b)'s apartment. § 87(2)(b) recognized PO Leier from a previous interaction and thanked him responding to the situation and shook PO Leier's hand. § 87(2)(b) held his hand out to the officer standing next to PO Leier, PO Diaz, and PO Diaz raised his fist above his shoulder and brought it down forcefully on § 87(2)(b)'s hand, which resulted in pain but no bruising (**Allegation A –Discourtesy: Action: § 87(2)(g); Allegation B – Force: physical force: § 87(2)(g)**) The officers then left the location.

The investigation obtained BWC from PO Acevedo (**Board Review 4 and 7**), PO Diaz (**Board Review 5**), and PO Leier (**Board Review 6**).

### Findings and Recommendations

**Allegation A –Discourtesy: Police Officer Christopher Diaz acted discourteously toward § 87(2)(b)**

**Allegation B – Force: Police Officer Christopher Diaz used physical force against § 87(2)(b)**

§ 87(2)(b) provided a sworn statement on April 30, 2019 (**Board Review 1-3**). In his sworn statement, § 87(2)(b) stated that he was inside his apartment, when a neighbor's cleaning lady walked in unannounced. § 87(2)(b) asked what she was doing and she said she thought the apartment was the garbage room. § 87(2)(b) called 911 and officers arrived. PO Leier greeted § 87(2)(b) who explained that he called 911 because his neighbor's cleaning lady entered his apartment. § 87(2)(b) then held out his hand to shake PO Diaz's hand as PO Diaz was standing next to PO Leier. PO Diaz did not return the handshake, but instead raised his fist above his shoulder and brought it down forcefully on § 87(2)(b)'s hand.

PO Diaz said in his statement (**Board Review 8**) that he responded to the incident location with other officers who took § 87(2)(b)'s criminal report that a woman ran into his apartment. PO Diaz did not have any sort of physical or verbal exchange with § 87(2)(b) before the officers left. PO Diaz did not shake his hand, use a "fist bump" greeting, or hit § 87(2)(b)'s hand in any way.

PO Leier (**Board Review 9**) did not remember any details about the incident, even after he was shown his own BWC (**Board Review 6**). PO Leier was only able to confirm that PO Diaz was working with him on the day of the incident.

Given the context of the allegations as part of a greeting gesture, the investigation determined other officer interviews would not affect the recommended disposition as they would be unable to determine the extent of the minimal force alleged by § 87(2)(b).

None of the BWC footage (**Board Review 4-7**) obtained from the incident capture the allegations.

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]
- PO Diaz has been a member of service for seven years and has been a subject in four CCRB complaints and nine allegations, none of which were substantiated. § 87(2)(g) [REDACTED]  
[REDACTED]

### Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] declined mediation for this case.
- A request for any Notice of Claim regarding this incident has been submitted to the New York City Comptroller's Office, and the results will be added to the case file upon receipt.
- According to the Office of Court Administration (OCA), § 87(2)(b) [REDACTED] has no history of criminal convictions in the state of New York (**Board Review 11**).

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Squad No.: 10

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date